

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and  
SUZANNE NAGELSKI,

Plaintiffs,

vs.

PREFERRED PAIN MANAGEMENT  
& SPINE CARE, P.A., DR. DAVID  
SPIVEY, individually, and SHERRY  
SPIVEY, individually,

Defendants.

**JOINT MOTION TO EXTEND TIME  
TO CONDUCT MEDIATION**

NOW COME Plaintiffs and Defendants (collectively referred to as “the Parties”), by and through their undersigned counsel of record, and move the Court, pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, to amend this Court’s December 4, 2017 Mediation Scheduling Order and extend the time for the parties to conduct mediation. The parties request that the mediation deadline be extended to August 1, 2018. In support of this Motion, the Parties show unto the Court as follows:

1. On November 30, 2017, the Parties filed their Joint Rule 26(f) Report [DE # 14], which was adopted by this Court via Text Order on December 1, 2017.
2. On December 4, 2017, this Court entered its Mediation Scheduling Order and set the deadline to conduct mediation for April 25, 2018.
3. The Parties have selected Ken Carlson to serve as mediator in this matter.

4. The Parties are still in the process of conducting discovery, including the scheduling of depositions and review of voluminous document productions, and thus additional time is needed to conduct mediation.

5. The Parties move to modify this Court's Mediation Scheduling Order to allow up to and including August 1, 2018, within which to conduct mediation.

6. The granting of this Motion will not affect or delay any deadlines in the Joint Rule 26(f) Report adopted by this Court.

7. The granting of this Motion will further the interests of judicial economy and conserve judicial resources.

WHEREFORE, Plaintiffs and Defendants, respectfully move this Court for an Order amending the Mediation Scheduling Order to allow the Parties up to and including August 1, 2018, within which to conduct mediation.

Respectfully submitted this the 25<sup>th</sup> day of April, 2018.

VAN KAMPEN LAW P.C.

JACKSON LEWIS P.C.

/s/ Sean F. Herrmann

SEAN F. HERRMANN

N.C. State Bar No. 44453)

*Attorney for Plaintiffs*

315 East Worthington Avenue

Charlotte, NC 28203

Telephone: (704) 247-3245

Facsimile: (704) 749-2638

Email: [sean@vankampenlaw.com](mailto:sean@vankampenlaw.com)

/s/ Ann H. Smith

ANN H. SMITH

N.C. State Bar No. 23090

CAITLIN M. GOFORTH

N.C. State Bar No. 49227

*Attorneys for Defendants*

3737 Glenwood Avenue, Suite 450

Raleigh, NC 27612

Telephone: (919) 760-6460

Facsimile: (919) 760-6461

Email: [Ann.Smith@jacksonlewis.com](mailto:Ann.Smith@jacksonlewis.com)

Email: [Caitlin.Goforth@jacksonlewis.com](mailto:Caitlin.Goforth@jacksonlewis.com)

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and )  
SUZANNE NAGELSKI, )  
 )  
Plaintiffs, )  
vs. )  
 )  
PREFERRED PAIN MANAGEMENT )  
& SPINE CARE, P.A., DR. DAVID )  
SPIVEY, individually, and SHERRY )  
SPIVEY, individually, )  
 )  
Defendants. )

**CERTIFICATE OF**  
**SERVICE**

The undersigned certifies that on April 25, 2018, the foregoing *Joint Motion to Extend Time to Conduct Mediation* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

Sean F. Herrmann, Esq.  
Van Kampen Law P.C.  
315 East Worthington Avenue  
Charlotte, NC 28203  
[sean@vankampenlaw.com](mailto:sean@vankampenlaw.com)  
*Attorney for Plaintiffs*

/s/ Ann H. Smith  
ANN H. SMITH  
N.C. State Bar No. 23090  
CAITLIN M. GOFORTH  
N.C. State Bar No. 49227  
Jackson Lewis P.C.  
*Attorneys for Defendants*  
3737 Glenwood Avenue, Suite 450  
Raleigh, NC 27612  
Telephone: (919) 760-6460  
Facsimile: (919) 760-6461  
Email: [Ann.Smith@jacksonlewis.com](mailto:Ann.Smith@jacksonlewis.com)  
Email: [Caitlin.Goforth@jacksonlewis.com](mailto:Caitlin.Goforth@jacksonlewis.com)